

1 FARLEY J. NEUMAN, ESQUIRE - State Bar #100021
2 TOM PROUNTZOS, ESQUIRE – State Bar #209409
2 JENKINS GOODMAN NEUMAN & HAMILTON LLP
3 417 Montgomery Street, 10th Floor
3 San Francisco, California 94104
4 Telephone: (415) 705-0400
4 Facsimile: (415) 705-0411

5 Attorneys for DEFENDANT ROBERT J. NAGY

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8 IN THE UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11
12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 vs.

15 CHARLES CARTCART, et al.,

16 Defendants.

Case No. C 07 4762 PJH

DISCOVERY MATTER

**STIPULATION AND ORDER TO
WAIVE REQUIREMENT TO MEET
AND CONFER IN PERSON**

ASSIGNED FOR ALL DISCOVERY
MATTERS TO MAGISTRATE JUDGE
SPERO BY ORDER DATED 11/19/2008

Trial: October 19, 2009

21 Plaintiff UNITED STATES OF AMERICA and Defendant ROBERT NAGY hereby
22 stipulate and agree to the following and respectfully request that the accompanying
23 proposed order be entered in this case.

24 //

25 Jenkins Goodman
26 Neuman & Hamilton
LLP
417 Montgomery St.
10th Floor
San Francisco, CA
94104
(415) 705-0400

1 **1. RECITALS**

2 1.1 By way of a “Notice of Preference, Time and Place of Hearing” dated
 3 November 26, 2008, this Court issued an order (hereinafter “the Order”) requiring that all
 4 further motions to compel must be preceded by a face-to-face meeting between lead trial
 5 counsel for the subject parties.

6 1.2 On September 17 and September 24, 2008, prior to the issuance of the Order,
 7 Nathan E. Clukey, counsel for Plaintiff, and Farley J. Neuman, and counsel for defendant
 8 Robert Nagy, met and conferred extensively via telephone regarding Defendant Nagy’s
 9 desire to take the depositions of Internal Revenue Service (“IRS”) employees Marie Allen,
 10 Ronald Cunningham and Mary Socks. This is memorialized in the attached letters and
 11 email correspondence, some of which detail Defendant Nagy’s position as well as that of
 12 Plaintiff. Despite these efforts, counsel were unable to reach an agreement concerning the
 13 depositions of IRS employees in this litigation.

14 1.3 Currently pending before this court is Defendant Nagy’s Motion to Compel
 15 Discovery Responses from Plaintiff United States (“Responses Motion”). A hearing on
 16 that motion is scheduled for February 6, 2009 at 9:30 a.m. Mr. Nagy today has filed a
 17 Motion to Compel Depositions of the aforementioned IRS personnel (“Deposition
 18 Motion”). Many of the legal issues raised in Mr. Nagy’s Responses Motion are identical
 19 to the issues that he now raises in his Deposition Motion. Accordingly, the parties believe
 20 that simultaneous consideration of both motions will promote the interests of judicial
 21 economy and efficiency.

22 1.4 The parties have addressed these issues extensively and do not expect that
 23 any further meet and confer would be fruitful. Mr. Neuman’s office is located in San
 24 Francisco, California, and Mr. Clukey is based out of Washington, D.C. If the Court
 25 requires the parties to meet and confer in person, the Deposition Motion will have to be
 26 heard at a separate, later date due to time constraints and present conflicts.

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2. **STIPULATION**
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By stipulation, the parties hereby respectfully request that the Court waive its requirement that the parties meet and confer in person regarding the issue of whether Defendant Nagy can take the depositions of IRS employees Marie Allen, Ronald Cunningham and Mary Socks.

The parties also respectfully request that the Court consider Nagy's Deposition Motion at the same time as his currently pending Responses Motion, which is set for a hearing on February 6, 2009 at 9:30 a.m. Because the legal grounds for both motions are largely the same, this would serve the interests of judicial economy and convenience for all involved, as both discovery disputes would be addressed at one hearing.

If the Court requires the parties to meet and confer in person, the subject Deposition Motion will have to be heard at a later date due to time constraints and present conflicts.

IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

DATED: December 22, 2008

JENKINS GOODMAN NEUMAN & HAMILTON LLP

By: /S/ Farley J. Neuman
FARLEY J. NEUMAN
Attorneys for Defendant ROBERT J. NAGY

DATED: December 22, 2008

THE UNITED STATES

By: /S/ Nathan E. Cluckey
NATHAN E. CLUCKEY
Trial Attorney, Tax Division
Attorneys for Plaintiff UNITED STATES OF AMERICA

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ORDER

Good cause appearing, the Court hereby waives its requirement that the parties meet and confer in person regarding the issue of whether Defendant Nagy can take the depositions of IRS employees Marie Allen, Ronald Cunningham and Mary Socks. Furthermore, Defendant Nagy's motion to compel the subject depositions shall be heard at the same time as his currently pending Motion to Compel Discovery Responses from Plaintiff United States of America, which is set for February 6, 2009 at 9:30 a.m.

IT IS SO ORDERED.

DATED: 1/05/09

The image shows the official seal of the United States District Court for the Northern District of California. The seal is circular with a double-line border. The outer ring contains the text "UNITED STATES DISTRICT COURT" at the top and "NORTHERN DISTRICT OF CALIFORNIA" at the bottom. In the center of the seal is a red rectangular box. Inside this box, a blue ink signature of the name "Joseph C. Spero" is written in a cursive, flowing style. Below the signature, the name "Judge Joseph C. Spero" is printed in a smaller, sans-serif font.